

This petition for Declaratory Ruling is ridiculous and should be dismissed. As for Part 1 of this petition, I believe that current regulations regarding SDARS transmissions already prohibit broadcasting different content to different locations. If this is NOT already an existing rule, then I support making it a written regulation, since it apparently is a requirement that was agreed to by the SDARS companies from the start. However, I also feel that this requirements should be reviewed periodically for relevance.

Part 1 addresses content delivery and locations; this is not an issue due to how XM Satellite Radio's (as an example) signal is broadcast. Simply put, ONE signal from the XM headquarters in Washington DC is sent to two satellites at the same time to be delivered to the continental United States. Ground based repeaters are used in some cities to receive this signal and rebroadcast it in a manner similar to an FM or AM broadcast even though the signal is still in the S-Band designated for satellite radio. These repeaters are only used in an attempt to offset the reception problems caused by tall buildings in urban areas. The bottom line is that it is not possible for one area of the United States to receive one content while another area receives a different content.

As for Part 2 of this petition, I believe that this is an ill-conceived attempt by the National Association of Broadcasters to suppress any technology advances that may threaten their member companies' revenues. While wishing to protect ones' revenues from illegal or otherwise inappropriate business practices of competitors is understandable and acceptable, the practice of SDARS delivering traffic and weather information for specific locations (available to ALL SDARS subscribers at ANY location) is NOT illegal nor inappropriate. It is no different than tuning to The Weather Channel on cable television to get weather reports in other cities, or watching Chicago news on WGN, also currently available on cable television.

If the NAB wants to help its' members retain and increase their profits, they should help and encourage them to IMPROVE their services, NOT try to stifle legitimate and legal competition. The American free enterprise system is based on competition and freedom for a business to offer their customers (and potential customers) products at fair and reasonable prices. I believe that the fact that more and more people are subscribing to an SDARS service says that they are willing to pay for what to them is a better service than what is offered by current "over the air" radio services. If these OTA services want to keep and increase their customer base, let them compete fairly for it! Let the customers of all of these services keep their right to have choices! The net effect of this petition from the National Association of Broadcasters is feeble attempt to stop the slow and inevitable process of listeners migrating to a better version of radio than the plain, and outdated FM and AM radio. Rather than attempting to make changes or improvements to their existing method of broadcasting, they are attempting this legal action that has no merit in my opinion.

Please put a stop to these attacks on satellite radio once and for all by denying this petition.